

UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF ILLINOIS

TRAVIS VARBLE, on behalf of himself
and others similarly situated,

Plaintiff,

v.

MIDWEST WATER & CONCRETE,
INC., et al.,

Defendants.

Case No. 3:19-cv-00247-GCS

ORDER APPROVING SETTLEMENT

Sison, Magistrate Judge:

Having reviewed and considered Plaintiff's Consent Motion for Final Certification of Class Action Settlement, Approval of a Collective Action Settlement and Dismissal of the Claims with Prejudice (Doc. 40), having held a hearing on June 3, 2020 on the same, and having outlined the Court's reasons in detail on the record, the Court hereby orders as follows:

1. The Court **CERTIFIES**, as set forth in the parties' settlement agreement, an Illinois class action for purposes of settlement. The class is defined as: "All laborers who have worked for Midwest Water & Concrete, Inc. at any time from February 28, 2016 to November 22, 2019;"

2. The Court **CERTIFIES**, as set forth in the parties' settlement agreement, a Fair Labor Standards Act ("FLSA") collective action. The collective action class is defined as: "All laborers who have worked for Midwest Water & Concrete, Inc. at any time from February 28, 2016 to November 22, 2019 who timely filed a claim;"

3. The Court **FINDS** the settlement reached by the parties, as set forth in the Settlement and Release Agreement ("Settlement Agreement") is fair and reasonable, suffers from no obvious defects, was reached after arm's-length negotiations between the parties and constitutes a reasonable compromise of the claims and defenses in this matter;

4. The Court **GRANTS** approval of the settlement pursuant to Fed. R. Civ. Proc. 23(e) and Section 16(b) of the FLSA, 29 U.S.C. § 216(b);

5. Named Plaintiff Travis Varble is awarded a \$2,000.00 service award for his initiative, services to the Class, and taking the risks of bringing this Action as a class action, which has resulted in substantial benefits to the Class;

6. Plaintiff's Counsel are awarded their reasonable attorneys' fees of \$39,705.00 incurred in pursuing the claims. The Court finds that the hourly rates and times attested to by Mr. Potashnick and Mr. Daugherty are fair and reasonable;

7. Plaintiff's Counsel are awarded their reasonable costs of \$491.78 incurred in pursuing the claims.

8. The Parties are to implement the terms of the Settlement; and

9. This Court hereby **GRANTS** Consent Motion for Final Certification of Class Action Settlement, Approval of a Collective Action Settlement and Dismissal of the Claims with Prejudice (Doc. 40).

IT IS SO ORDERED:

Date: June 5, 2020.

Digitally signed
by Judge Sison
Date:
2020.06.05
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GILBERT C. SISON
United States Magistrate Judge